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OFFICE OF PETITIONS

In re Application of :
Belec, et al. : DECISION ON PETITION
Application No. 10/036,219 :
Filed: December 24, 2001 :
Docket No.: F-444 :

This is a decision on the petition, filed November 7, 2005, under 37 CFR 1.181 to withdraw the holding of abandonment.

The petition is **GRANTED**.

The application was held abandoned May 21, 2004 for failure to timely submit a proper reply to the final Office action mailed January 20, 2004. The final Office action set a three (3) month statutory period for reply. A one month extension of time was requested. Notice of Abandonment was mailed March 25, 2005.

Petitioner alleges that a response to the outstanding Office action was timely submitted May 19, 2004 and included a petition for a one month extension of time along with a notice of appeal. Petitioner further alleges that an appeal brief was filed July 19, 2004.

A communication was received by the Office on May 19, 2004. This communication was matched to the serial number identified in the transmittal letter accompanying the communication, namely, serial No. 09/036,219. The communication did not timely reach the correct application (10/036,219) due to petitioners' error. As a result of this error, the application was held abandoned.

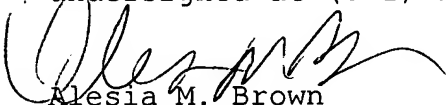
Correspondence directed to the Patent and Trademark Office concerning a previously filed application for a patent must identify the application number and filing date assigned to that application by the Office. See, 37 CFR 1.5(a). In the above-referenced application, applicant failed to correctly identify the application by citing an incorrect application number in the transmittal accompanying the correspondence. The Office elects, in this instance, to treat applicant's transposition of numbers as a correctable minor error as permitted under MPEP 502. However, applicant is reminded that minor errors, such as occurred in the

instant application, are to be avoided in the future by the careful review of correspondence prior to submission to the Office.

The Notice of Abandonment is hereby vacated and the holding of abandonment is withdrawn.

The application file is being forwarded to the Technology Center 3700 for further processing.

Telephone inquiries concerning this matter may be directed to the undersigned at (571) 272-3205.

A handwritten signature in black ink, appearing to read 'Alesia M. Brown', is written over the printed name.

Alesia M. Brown
Petitions Attorney
Office of Petitions